

U.S. Patent Application Serial No. 09/939,716

Amendment filed September 21, 2006

Reply to OA dated July 19, 2006

REMARKS:

Claims 1-23 are currently pending, of which claims 1, 7, 10, and 16 have been amended herein, and claims 22 and 23 have been newly added herein.

Claims 13 and 17-21 are allowed.

The Examiner has indicated that claims 10-12 and 16 set forth allowable subject matter and has objected to claims 10-12 and 16 as being dependent upon a rejected base claim. The Examiner has noted that claims 10-12 and 16 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

Claims 10 and 16, as amended, incorporate base claim 1 and intervening claims 5, 6, and 8. Newly added claim 22 incorporates base claim 7, intervening claim 8, and the language of claim 10. Newly added claim 23 incorporates base claim 7, intervening claim 8, and the language of claim 16. Applicants respectfully submit that claims 10-12, 16, 22, and 23 are in condition for allowance.

Claims 1-5 stand rejected under 35 USC 103(a) as obvious over USP 5,543,952 (Yonenaga '952).

Applicants respectfully traverse this rejection, for the following reasons.

The Examiner has not demonstrated how **Yonenaga '952** could describe, teach, or suggest the following features set forth in claim 1, as amended: “electrical-optical conversion means has a traveling wave type electrode designed so that phase change of optical wave propagating in optical waveguide depending upon electrical field has waveforms of a ternary duobinary signal,” in combination with the other claimed features.

Thus, Applicants respectfully submit that this rejection of claim 1 should be withdrawn. It is submitted that this rejection of claims 2-5 should be withdrawn by virtue of their dependency.

Claims 6, 7, 9, 14, and 15 stand rejected under 35 USC 103(a) as obvious over Yonenaga '952 in view of USP 5,644, 664 (Burns).

Applicants respectfully traverse this rejection, for the following reasons.

The Examiner has not demonstrated how **Yonenaga '952** and **Burns**, alone or in combination, could describe, teach, or suggest the following features set forth in claims 1 and 7, as amended: “electrical-optical conversion means has a traveling wave type electrode designed so that phase change of optical wave propagating in optical waveguide depending upon electrical field has waveforms of a ternary duobinary signal,” in combination with the other claimed features.

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Thus, Applicants respectfully submit that this rejection of claim 7 should be withdrawn. It is submitted that this rejection of claims 6, 9, 14, and 15 should be withdrawn by virtue of their dependency.

Claim 8 stands rejected under 35 USC 103(a) as obvious over Yonenaga '952 in view of Burns and a document by Chung dated March 1991 (Chung).

Applicants respectfully traverse this rejection, for the following reasons.

The Examiner has not demonstrated how **Yonenaga '952**, **Burns**, and **Chung**, alone or in combination, could describe, teach, or suggest the following features set forth in claims 1 and 7, as amended: “electrical-optical conversion means has a traveling wave type electrode designed so that phase change of optical wave propagating in optical waveguide depending upon electrical field has waveforms of a ternary duobinary signal,” in combination with the other claimed features.

Thus, Applicants respectfully submit that this rejection of claim 8 should be withdrawn by virtue of its dependency.

Claim 8 stands rejected under 35 USC 103(a) as obvious over Yonenaga '952 in view of Burns and admitted subject matter.

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Applicants respectfully traverse this rejection, for the following reasons.

The Examiner has not demonstrated how **Yonenaga '952, Burns**, and admitted subject matter, alone or in combination, could describe, teach, or suggest the following features set forth in claims 1 and 7, as amended: "electrical-optical conversion means has a traveling wave type electrode designed so that phase change of optical wave propagating in optical waveguide depending upon electrical field has waveforms of a ternary duobinary signal," in combination with the other claimed features.

Thus, Applicants respectfully submit that this rejection of claim 8 should be withdrawn by virtue of its dependency.

In view of the aforementioned amendments and accompanying remarks, all claims currently pending are believed to be in condition for examination.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due now or in the future with respect to this application, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



Darren R. Crew
Attorney for Applicants
Reg. No. 37,806

DRC/lif

Atty. Docket No. **011070**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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